

BEFORE THE  
UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Scottville Post Office  
Scottville, Illinois

Docket No. A2012-47

REPLY BRIEF OF THE PUBLIC REPRESENTATIVE

(January 11, 2012)

I. INTRODUCTION AND BACKGROUND

On October 31, 2011, the Commission docketed a petition to review the Postal Service's decision to close of the Scottville Post Office.<sup>1</sup> On November 14, 2011, the Commission transmitted Notice of Filing Under 39 U.S.C. 404(d) to inform the Postal Service of the petition.<sup>2</sup> Thereafter, On November 15, 2011, the Postal Service filed an electronic version of the administrative record concerning its Final Determination, Postal Service Docket Number 1381040 - 62683.<sup>3</sup> On November 16, 2011, the Commission issued an order instituting the current review proceedings, appointing a Public Representative, and establishing a procedural schedule.<sup>4</sup> The Postal Service filed comments supporting its closure determination on December 27, 2011.<sup>5</sup>

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<sup>1</sup> Letter by Mark Kenney, Mayor of Scottville, October 31, 2011. (Petition). The Petitioner did not file a Participant Statement.

<sup>2</sup> Notice of Filing Under 39 U.S.C. 404(d), November 14, 2011.

<sup>3</sup> United States Notice of Filing Administrative Record, November 15, 2011. (AR).

<sup>4</sup> Notice and Order Accepting Appeal and Establishing Procedural Schedule, November 16, 2011. (Order No. 970).

<sup>5</sup> United States Postal Service Comments Regarding Appeal, December 27, 2011. (Postal Service Comments).

## II. STATEMENT OF FACTS

The Scottville Post Office is an EAS-55 level post office in Scottville, Illinois. AR, Item No. 1 at 1. Before being closed, the Scottville Post Office provided service to 33 post office box customers. *Id.*

On December 20, 2010, the Manager of Post Office Operations requested permission to investigate the possible closure of the Scottville Post Office. *Id.* The District Manager granted the request. *Id.*

On May 16, 2011, the Postal Service notified customers of the Scottville Post Office of a "possible change in the way your postal service is provided." AR, Item No. 21 at 1. The notice informed customers that the Postal Service would like to provide pickup and delivery of their mail, as well as the sale of stamps and all other customary postal services, by rural route service emanating from the Modesto Post Office. *Id.* Included was a questionnaire to be completed and returned by June 1, 2011. *Id.* In addition, customers were invited to attend a public meeting on June 1, 2011, at which Postal Service representatives would be available to answer questions. *Id.*

Of the 43 questionnaires distributed by the Postal Service, 17 were completed and returned: 1 responded favorably to the proposal; 11 expressed opposition or concern; and 5 expressed no opinion. AR, Item No. 41 at 2. The meeting was held on June 1, 2011, as scheduled, with 12 customers in attendance. AR, Item No. 24 at 1.

On June 20, 2011, a formal proposal<sup>6</sup> to close the Scottville Post Office was forwarded to that post office for posting for a period of sixty days. AR, Item No. 31 at 1. An invitation to file comments was also posted in the Scottville Post Office. AR, Item No. 32 at 1. 52 comments were received during the posting period that ended August 22, 2011. AR, Item No. 40 at 1. That proposal was transmitted to the Vice President for Delivery and Post Office Operations on September 20, 2011. AR, Item No. 45 at 1.

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<sup>6</sup> The Administrative Record indicates that two different postal managers requested permission to investigate the possible closure of the Scottville Post Office. As a result, two different proposals to close the Scottville Post Office appear in the Administrative Record with the same Item Numbers.

On September 26, 2011, the Final Determination to close the Scottville Post Office was approved.<sup>7</sup> The decision was based upon (1) the postmaster vacancy; (2) the decline in postal needs; and (3) the Postal Service's ability to provide regular and effective service by alternate means. *Id.* at 2. The Final Determination considered and responded to various concerns expressed by postal customers from the proposal to close the Scottville Post Office. *Id.* The Final Determination indicated that on August 18, 2011, Scottville customers submitted a petition with 143 signatures supporting the retention of the Scottville Post Office. *Id.*

On October 21, 2011, the Scottville Post Office was suspended due to a lack of qualified personnel to operate the office. AR, Item No. 2 at 1; and FD at 2. In a letter to Scottville customers, the Postal Service stated that it was unable to find a suitable replacement for the Officer-in-Charge (OIC), who resigned. AR, Item No. 3 at 1. The Postal Service also indicated that during the suspension, Post Office Box mail will be held at the Modesto, IL Post Office. *Id.*

### III. POSITIONS OF THE PARTIES

#### A. The Petitioners

The Petitioner presents three arguments in opposition to the closing of the Scottville Post Office: (1) the Postal Service did not consider the impact of the closing on maintaining effective and regular postal services; (2) the Postal Service did not consider the effect of the closing on the Scottville, IL community; and (3) there will be not be any economic savings from closing the Scottville Post Office. Petition at 1.

#### B. The Postal Service

On date, the Postal Service filed comments in lieu of the answering brief permitted by Order No. 970. In that filing, the Postal Service supports its decision to

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<sup>7</sup> Final Determination to Close the Scottville, IL Post Office and Extended Service by Rural Route Service, posted September 27, 2011. (FD). The Administrative Record includes a revised FD indicating that the Scottville Post Office is temporarily suspended.

close the Scottville Post Office on the basis that it has (1) followed the proper procedural requirements of 39 U.S.C. 404(d); (2) considered the impact on the community; (3) considered the effect of the closing on postal services provided to Scottville customers; (4) properly determined that it would save \$30,644 from closing the Scottville Post Office; (5) considered the effect on postal employees; and (6) considered other factors consistent with the mandate of 39 U.S.C. 404(d)(2)(A). Postal Service Comments at 3-10.

#### IV. STANDARD OF REVIEW AND APPLICABLE LAW

##### A. Standard of Review

The Commission's authority to review post office closings provided by 39 U.S.C. § 404(d)(5). That section requires that the Postal Service's determination be reviewed on the basis of the record that was before the Postal Service. The Commission is empowered by section 404(d)(5) to set aside any determination, findings, and conclusions that it finds are: (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (B) without observance of procedure required by law; or (C) unsupported by substantial evidence in the record. Should the Commission set aside any such determination, findings, or conclusions, it may remand the entire matter to the Postal Service for further consideration. Section 404(d)(5) does not, however, authorize the Commission to modify the Postal Service's determination by substituting its judgment for that of the Postal Service.

##### B. The Law Governing Postal Service Determinations

Prior to making a final determination to close or consolidate a post office, the Postal Service is required by 39 U.S.C. § 404 to consider: (i) the effect of the closing on the community served; (ii) the effect on the employees of the Postal Service employed at the office; (iii) whether the closing is consistent with the Postal Service's provision of "a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;" (iv) the economic savings to

the Postal Service due to the closing; and (v) such other factors as the Postal Service determines are necessary. See 39 U.S.C. § 404(d)(2)(A).

In addition, the Postal Service's final determination must be in writing, address the aforementioned considerations, and be made available to persons served by the post office. 39 U.S.C. § 404(d)(3). Finally, the Postal Service is prohibited from taking any action to close a post office until 60 days after its final determination is made available. 39 U.S.C. § 404(d)(4).

#### V. ADEQUACY OF THE POSTAL SERVICE'S FINAL DETERMINATION

After careful review of the Postal Service's Final Determination, the materials in the Administrative Record, the arguments presented by Petitioners and the Petition submitted by customers of the Scottville Post Office, and the Postal Service Comments, the Public Representative concludes that the Postal Service has followed applicable procedures, that the decision to close the Scottville Post Office is not arbitrary or capricious, and that the Postal Service's decision is supported by substantial evidence.

#### VI. CONCLUSION

For the reasons set forth above, the Postal Service's decision to close the Scottville Post Office should be affirmed.

Respectfully Submitted,

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